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LALOS & KEEGAN
FIFTH FLOOR
1146 NINETEENTH STREET, N.W.
WASHINGTON DC 20036

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OFFICE OF PETITIONS

In re Application of
Biondi, Coira, Derstine, Panzica,
Kent, McNamara, and Harding-Heese :
Application No. 09/893,596 : DECISION REFUSING STATUS
Filed: 29 June, 2001 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 6504 : signing inventor is required.

This is in response to the renewed petition filed under 37 CFR 1.47(a)¹ on 6 July, 2002. The petition follows:

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been

¹A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

The petition lacks item (2). In regards to item (2), although petitioners now have submitted an oath or declaration listing the citizenship of the non-signing inventor, that declaration must be signed by all of the inventors signing on behalf of the non-signing inventor. Petitioners state that counsel is currently in the process of obtaining the signatures of the signing inventors on the declaration listing the citizenship of the non-signing inventor. A renewed petition must be filed with that oath or declaration. Thus, a new oath or declaration in compliance with 37 CFR 1.63 and 1.67 and containing the signatures of all of the signing inventors is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy